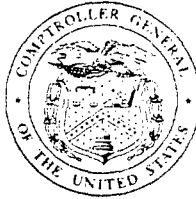


DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

9397

FILE: B-194194

DATE: March 12, 1979

MATTER OF: Wiltron Company

DIGEST:

[Untimely Protest of Bid Rejection]

Protest filed with GAO more than 10 days after notification of initial adverse agency action (denial of protest to agency) is untimely and not for consideration.

Wiltron Company protests the rejection of its bid as nonresponsive by the Department of the Air Force under invitation for bids No. F33659-78-B-0018.

We have been informed by the Air Force that the contracting officer by letter dated November 7, 1978, informed Wiltron that its bid was rejected as nonresponsive. Wiltron initially filed a protest with the Air Force by letter dated November 16, 1978. By letter dated January 10, 1979, the Air Force denied the protest. On February 23, 1979, Wiltron filed a subsequent protest with our Office.

Section 20.2(a) of our Bid Protest Procedures, 4 C.F.R. part 20 (1978), states in pertinent part:

"Protesters are urged to seek resolution of their complaints initially with the contracting agency. If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 [working] days of formal notification of or actual or constructive knowledge of initial adverse agency action will be considered * * *."

Since the January 10 letter was the initial adverse agency action (denial of the protest to the agency) and

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Wiltron did not file its protest with our Office until February 23, 1979, the protest is untimely and not for consideration.

Therefore, the protest is dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar".

Milton J. Socolar
General Counsel